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# Security Council

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## Letter dated 20 May 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Acting on instructions from my Government, I have the honour to transmit to you herewith the text of the statement by the Government of the Democratic Republic of the Congo concerning events in Kisangani.

This statement speaks for itself.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

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## Annex to the letter dated 20 May 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

## Statement by the Government of the Democratic Republic of the Congo concerning the events in Kisangani

(16 May 2002)

I am not telling you anything you do not know: the inhabitants of the town of Kisangani were woken at 4 a.m. on Tuesday 14 May 2002 by the sound of heavy firing because of an uprising by forces of the seventh brigade of the Rassemblement congolais pour la démocratie-Goma (RCD-Goma).

The mutineers who momentarily seized control of the local radio and television station, claimed that their goal was to get rid of the Rwandan invaders who are preventing RCD-Goma from participating in the national reconciliation process started in Sun City.

The Kigali Government retaliated by sending in reinforcements from Goma and from Rwanda. On 14 May alone, heavy transport planes made close to 10 round trips to bring in Rwandan troops and military equipment.

We have reports of massacres and damage done to the town of Kisangani by the Rwandan troops who receive their orders directly from Kigali.

According to reports from human rights non-governmental organizations and other generally well-informed sources, the results of 14 and 15 May 2002 are as follows:

- The retaliatory operation carried out by troops of the Rwandan Patriotic Army (RPA) started in the commune of Mangobo in the afternoon of 14 May 2002 and continued during the day of 15 May 2002. The inhabitants of the areas of Walendu, Bangwandi, Luguara, Mambaza, Walengola, Lumbulumbu, Matete and other areas in the commune of Mangobo have been going through a real ordeal since this operation started. These troops go systematically to every house looking for young boys and girls who are hostile to their presence in Kisangani.
- During the day of 14 May 2002, a total of 13 Congolese were killed in the commune of Mangobo:
  - Walendu area: four people, all from the same family, were killed by about 10 Rwandan soldiers riding a vehicle stolen from SNEL, the electricity company, and the parents were forced to watch;
  - Walengola area: three people were killed;
  - Matete area: five people were killed;
- During the day of 15 May 2002: 27 people were killed, including a man, his wife and their five children.
- According to the same sources there have been a number of murders, rapes and cases of persons being disembowelled and thrown into the Tshopo river. Other bodies are alleged to have been taken to Rwanda so as to conceal the traces of what can only be described as massacres of civilians.

To this macabre report we must add the kidnappings, arbitrary arrests and instances of harassment, extortion, forced displacement and intimidation of members of civil society.

Without listing them all, in order to give you an idea of the gravity of the events in Kisangani we will present the following facts:

### Arrests

The Rwandan troops proceeded to arrest a number of civilians and military personnel on 14 and 15 May 2002. The arrests were systematically targeted at young people whose average age was between 14 and 30, obviously in order to prevent them from rebelling against the Rwandan invaders.

### Kidnappings

Father François Zabalo, a Spanish priest from the parish of Christ Roi in Mangobo, was beaten and then taken away in the afternoon of 14 May 2002 by Rwandan soldiers who accused him of having tried to

come to the assistance of a wounded member of his commune.

The second kidnapping was that of 80-year-old Father Guy Verhaegen of the Jesuit congregation. He was hit with a rifle butt and was taken to hospital shortly thereafter.

**Harassment and extortion**

The RPA soldiers searched every single house in Mangobo. The searches were accompanied by plundering and all kinds of harassment.

Vehicles and motorcycles belonging to individuals and to the churches were taken by Rwandan soldiers. That happened to vehicles belonging to the Bureau Diocesan des Oeuvres Medicales (BDOM).

Some of the young boys and girls from Mangobo who fled from the RPA soldiers took refuge on the campus of Kisangani University while others went into the bush. Many parents are without news of their children.

**Intimidation of members of civil society and of the clergy**

In a message broadcast repeatedly over the local radio and television, the RCD Governor of the province openly threatened members of civil society and the of the church, accusing them of too often reporting the atrocities committed against the population and the stand they have taken against the occupation. He even gave their names. They are:

- Dr. Abissa Bokanga, President of the civil society and delegate to the dialogue
- Laurent Ikenge
- Dismas Kitenge
- François Zoka, President of *Justice et Paix*
- Blaise, President of *Pax Christi* and *Paix International*
- Firmin Yangambi, Coordinator of *Kisangani pour la paix*
- Faustin Tohengao, provincial secretary of civil society

Not only have two Jesuit missionary priests (Fathers Zabalo and Guy Verhaegen) been arrested and roughed up, but other church workers have been threatened with arrest and may already have been arrested. They are, Father Zénon Sendeke, priest of Sacré-Coeur, Father Augustin, priest of Sacré-Coeur, Father Jean Pierre Badidike of *Justice et Libération* and Father Matthieu Libuwale.

There are persistent reports from human rights non-governmental organizations that 19 Congolese RCD officers were arrested and executed at around 10 p.m. on Wednesday 15 May on the other side of the right bank, beyond Tshopo bridge. The names given include Majors Nyembo, Pierrot, Buicha, Jacques Mwamba, Martin Ondekane and others.

The list of atrocities committed by the Rwandan Patriotic Army in recent days is long.

The Government of the Republic points out that the atrocities currently being committed in Kisangani by RPA against the civilian population are the same atrocities that are daily causing grief to Congolese families in Bukavu, Uvira, Kindu and Kalemie in the Sankuru area, where the Rwandan Army is systematically depopulating villages and towns and terrorizing members of civil society.

While understanding the upsurge in patriotism on the part of the population and Congolese soldiers who are living under Rwandan occupation and are exasperated by the refusal of Rwanda to allow the RCD Congolese to freely join in the Sun City framework agreement, the Government of the Republic reaffirms its intention to continue the process of peace and national reconciliation begun in Sun City in order to achieve the country's total reunification and reconstruction.

The Government of the Republic is therefore not involved at all in the current events and calls upon the international community and the entire nation as witnesses to denounce the destructive determination of Rwanda to break all resistance on the part of the population to the occupation and partition of the country, by attempting to terrorize civil society and the clergy.

Our population is tired of the war and occupation as well as the shameless plundering of its wealth while it languishes in poverty. They feel abandoned, extremely abandoned, terrorized and victimized. They do not understand why the mandate of MONUC has not been expanded to include the protection of the population. They do not understand why the entire

world has indifferently witnessed the genocide of more than 4 million Congolese and continues to speak only of the security of the aggressive neighbouring countries of the Congo as if the Democratic Republic of the Congo did not have the right to be protected also.

This injustice in the interpretation of the real problem at the root of this murderous war, which has been decimating our people for four years, very often undermines the search for lasting solutions for peace in central Africa.

Allow us to carry out a sacred duty by expressing our condolences to the families of the victims of the recent massacres by RPA of the population in Kisangani. The Government of the Republic assures the entire population of this martyred city of its solidarity and demands the halting of the atrocities committed against innocent civilians. The Government also wonders about the real intention of RCD-Goma to become involved in the process of peace and reunification of the country in view of the bloody events that have taken place in the last two days.

The Government wonders what dialogue can be begun now with a group that terrorizes the population that it is supposed to administer.

With regard to the events in Kisangani, it should be asked why this tragic situation has come about.

You will recall that just after the third armed confrontation between Rwandan and Ugandan troops in Kisangani, there were several massacres of the civilian population, serious and massive violations of human rights as well as the malicious destruction of basic infrastructures and public buildings, including the Cathedral of Kisangani. In the humanitarian area, these confrontations caused a massive exodus of the civilian population resulting in an unprecedented humanitarian disaster.

On the basis of these facts, the aggression has become quite clear, thus debunking the fallacious theory about an internal rebellion put forward at the time.

Traumatized by the evidence and the seriousness of the facts, which, moreover, were confirmed by various independent sources, the United Nations Security Council unanimously adopted resolution 1304 (2000) of 16 June 2000, which demanded that Uganda and Rwanda, which had violated the sovereignty and territorial integrity of the Democratic Republic of the Congo, withdraw all their forces from the territory of the Democratic Republic of the Congo without further delay, in conformity with the timetable of the Ceasefire Agreement and the 8 April 2000 Kampala disengagement plan.

Furthermore, the Council also demanded that the Congolese armed opposition and other armed groups immediately and completely withdraw from Kisangani, and called on all parties to the Ceasefire Agreement to respect the demilitarization of the city and its environs. This decision concerns all armed groups, including RCD.

In its resolutions 1341 (2001) and 1355 (2001), the Security Council expressed its readiness to consider possible measures which could be imposed in accordance with its responsibilities and obligations under the Charter of the United Nations, in case of failure by parties to comply fully with its relevant resolutions.

Quite recently, as the Congolese parties were meeting in Sun City within the framework of the Inter-Congolese Dialogue, RCD attacked the town of Moliro in violation of the Lusaka Agreement, the Kampala plan, Harare sub-plans.

This incident induced the Government to bring the matter before both the Security Council and the Political Committee of the Lusaka Agreement.

In its resolution 1399 (2002), while demanding that RCD withdraw from Moliro and other towns that had been captured illegally, the Council did not fail to recall at the same time that Kisangani also had to be demilitarized.

The conclusions reached in the work of the Political Committee of the Lusaka Agreement of 20 March 2002 indicate that, in addition to the evacuation of Pweto, RCD-Goma and the RPA troops should carry out the demilitarization of Kisangani before 6 April 2002 in order to comply with the requirements of resolutions 1304 (2000) and 1399 (2002).

It should be pointed out that 6 April 2002 was the deadline that was to mark the end of the demilitarization operations and not their beginning.

At the close of the thirty-seventh regular summit of the OAU Conference of Heads of State and Government, held in Lusaka from 5 to 8 July 2001, the Pan-African organization in turn adopted resolution

CM/DEC.12 (LXXIV), which demanded that RCD demilitarize Kisangani and its environs without delay.

In parallel with the political démarche, in view of the seriousness of the facts as well as the irremediable harm caused to the population of Kisangani and the basic rights of the Democratic Republic of the Congo, the Government did not remain inactive and brought the matter before the International Court of Justice for an indication of urgent and provisional measures.

The Court, having acknowledged that the armed confrontation between the Rwandan and Ugandan forces in Kisangani was well-known, handed down order No. 116 of 1 July 2000, concerning the military activities in the Democratic Republic of the Congo (*Democratic Republic of the Congo* v. *Uganda*), which reaffirmed the obligations set forth in resolution 1304 (2000) concerning the city of Kisangani.

In his statement before the General Assembly on 30 October 2001, the President of the International Court of Justice stated that the provisional measures indicated as a matter of urgency by the Court for the purpose of safeguarding the rights of the parties were binding on them. And the same holds true concerning the Council itself, which, in its resolution 1341 (2001) and 1355 (2001) referred to above, upheld the use of measures with regard to the parties that would not fully respect that obligation.

**Conclusions and expectations of the Congolese Government**

In view of the obvious recalcitrance on the part of RCD-Goma and Rwanda to demilitarize Kisangani effectively, thus scorning the above-mentioned decisions by the Security Council, the Council has no other choice with regard to the use of coercive measures than to accede to the request made to it by the Democratic Republic of Congo. May the Council be able to support the efforts of MONUC to train the police and provide an additional number of police officers in Kisangani in order to make it possible to effectively deploy its forces.

The Government also demands that an international investigation be carried out in order to shed light on the successive massacres in Kisangani. It is a question here of its authority and its own credibility.

I could not conclude this statement without expressing, on behalf of the Government, its solidarity with regard to the population of the occupied towns in general and of Kisangani, in particular. The Government will continue to support all initiatives aimed at preserving the basic rights of the population of the occupied territories.

Léonard **She Okitundu**